

REMARKS / ARGUMENTS

Claims 1-3, 5-9, and 14-25 remain pending in this application. Claims 1, 2, 6, and 9 have been amended. New claims 14-25 have been added. Support can be found in the specification, for instance, at page 19, lines 2-27 and in FIG. 2. No new matter has been introduced.

35 U.S.C. §112

Claim 1 stands rejected under 35 U.S.C. §112, second paragraph, as failing to comply with the written description requirement. Claim 1 has been amended. Support can be found in the specification, for instance, at page 19, lines 2-27. Applicants respectfully submit that claims 1-3, 5-9, and 14-25 comply with 35 U.S.C. §112.

35 U.S.C. §101

Claims 1-3 and 5-9 stand rejected under 35 U.S.C. §101 as containing nonstatutory subject matter. Claim 1 has been amended to overcome this rejection. Applicants respectfully request withdrawal of this rejection.

35 U.S.C. §102

Claims 1-3 and 5-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Mault (U.S. Pub. No. 2003/0129578).

Claims 1-3 and 5-9

Applicants respectfully submit that independent claim 1 as amended is novel and patentable over Mault because, for instance, Mault does not teach or suggest an automatic analyzer including an analyzer operating unit that receives instruction for changing an operation sequence of the automatic analyzer to prevent the occurrence of the cross-contamination on the basis of the reagent cross-contamination information stored in the memory, and carries out the operation sequence to prevent the occurrence of the cross-contamination in accordance with the received instruction. Support can be found in the specification, for example, at page 19, lines 2-27.

Mault discloses a method and a system for the early detection of infectious diseases, or the symptoms of bioterrorism attacks in a population (see Abstract). The system includes a plurality of local input devices located with a plurality of individuals that are geographically dispersed with a population. The local input devices are capable of recording information relating to specific diseases of respective individuals, and capable of transmitting the information to a central computer via a communication network. The central computer statistically analyzes the information based upon a comparison of present information and previous

information to detect patterns of infectious diseases or symptoms of acts of terrorism.

The statistical analysis is used to produce outputs relating to actions to be taken.

Mault clearly fails to disclose an automatic analyzer including an analyzer operating unit that receives instruction for changing an operation sequence of the automatic analyzer to prevent the occurrence of the cross-contamination on the basis of the reagent cross-contamination information stored in a memory, and carries out the operation sequence to prevent the occurrence of the cross-contamination in accordance with the received instruction. The Examiner cites Mault at [0006], which merely states that "the central computer, upon communication therewith being established by any of the individuals, directs a series of inquiries to the respective individuals requesting responses to be transmitted to the central computer," and that "at least some of the information transmitted to the central computer by the individuals would relate to the presence or absence of symptoms of certain recognized diseases." Mault does not even mention "cross-contamination" or "operation sequence" at all. Clearly, Mault fails to teach or suggest the analyzer operating unit in claim 1.

For at least the foregoing reasons, claim 1, and claims 2, 3, and 5-9 depending therefrom, are novel and patentable over Mault.

Claims 14-22

Applicants respectfully submit that independent claim 14 is novel and patentable over Mault because, for instance, Mault does not teach or suggest receiving instruction for changing an operation sequence of the automatic analyzer to prevent the occurrence of the cross-contamination on the basis of the reagent cross-contamination information stored in the memory; and carrying out the operation sequence to prevent the occurrence of the cross-contamination in accordance with the received instruction.

As discussed above, Mault discloses a method and a system for the early detection of infectious diseases, or the symptoms of bioterrorism attacks in a population (see Abstract). The central computer statistically analyzes the information based upon a comparison of present information and previous information to detect patterns of infectious diseases or symptoms of acts of terrorism. The statistical analysis is used to produce outputs relating to actions to be taken.

Mault clearly fails to disclose receiving instruction for changing an operation sequence of the automatic analyzer to prevent the occurrence of the cross-contamination on the basis of the reagent cross-contamination information stored in a memory, and carrying out the operation sequence to prevent the occurrence of the cross-contamination in accordance with the received instruction. Mault does not even mention "cross-contamination" or "operation sequence" at all.

For at least the foregoing reasons, claim 14 and claims 15-22 depending therefrom, are novel and patentable over Mault.

Claims 23-25

Applicants respectfully submit that independent claim 23 is novel and patentable over Mault because, for instance, Mault does not teach or suggest changing an operation sequence of the automatic analyzer to prevent the occurrence of the cross-contamination on the basis of the reagent cross-contamination information stored in the memory.

As discussed above, Mault discloses a method and a system for the early detection of infectious diseases, or the symptoms of bioterrorism attacks in a population (see Abstract). The central computer statistically analyzes the information based upon a comparison of present information and previous information to detect patterns of infectious diseases or symptoms of acts of terrorism. The statistical analysis is used to produce outputs relating to actions to be taken.

Mault clearly fails to disclose changing an operation sequence of the automatic analyzer to prevent the occurrence of the cross-contamination on the basis of the reagent cross-contamination information stored in the memory. Mault does not even mention "cross-contamination" or "operation sequence" at all.

For at least the foregoing reasons, claim 23 and claims 24-25 depending therefrom, are novel and patentable over Mault.

Conclusion

In view of the foregoing amendments and remarks, Applicants contend that the above-identified application is now in condition for allowance. Accordingly, reconsideration and reexamination are respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. KAS-195).

Respectfully submitted,

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